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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,982	07/31/2000	Junya Kaku	000921	4508

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EXAMINER

TRAN, NHAN T

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,982

Applicant(s)

KAKU, JUNYA

Examiner

Nhan T. Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.4
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitsuhashi et al (US 5,497,193).

Regarding claim 1, Mitsuhashi discloses a digital camera for displaying on a monitor a real time motion image of a subject taken by an image sensor (live view with display unit 14 in EE mode, see col. 1, lines 24-38 and col. 6, lines 20-34) comprising:

an instruction key (shutter switch 20) for instructing to record a still image of the subject; a recorder (record circuit 17) for recording the still image to a recording medium (storage unit 19) when the instruction key is operated; a determiner (control unit 15) for determining a state of the instruction key after operating the instruction key; and a still image displayer (display unit 14) for displaying on the monitor the still image depending upon a result of determination by the determiner (see Figs. 1 & 2; col. 6, line 20 – col. 7, line 26).

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Regarding claim 2, Mitsuhashi also discloses that the determiner repeatedly determines a state of the instruction at a predetermined timing (see col. 7, lines 59-64 wherein the timing is predetermined by the cycle time of the processing loop of Fig. 2), and the still image displayer maintaining to display the still image for a time that instruction is an operation state (see col. 6, lines 63 – col. 7, line 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 & 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuhashi et al (US 5,497,193) in view of Anderson (US 6,512,548).

Regarding claim 3, Mitsuhashi discloses that the control unit determines a state of the shutter switch 20 **after** lapse of a time for recording an image onto the memory 19 (Fig. 2; col. 6, line 50 – col. 7, line 5). However, Mitsuhashi fails to explicitly teach a single-color image to be displayed on the monitor for a predetermined time after the shutter switch is pushed to capture the image.

Anderson teaches that in the live view mode, the digital camera will allow the user to capture an image of an object by depressing shutter button (404). When the user depresses the

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shutter button, there is a brief response indicating the image has been captured, such as a flicker (a quick blank or single-colored image) on the LCD screen (402) (see col. 9, line 61 – col. 10, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art to combine Mitsuhashi with the teaching of Anderson to provide a single-colored image on the display unit for a predetermined time right after depressing the shutter switch so as to signal to the user that the desired still image has been captured.

Regarding claim 4, Anderson also teaches that the predetermined time **corresponds** (within a time interval but not necessarily exact match) to a time required for a process of recording the still image by the recorder (Anderson, col. 10, line 1-9, wherein the flicker is displayed **within** the time required for recording the image).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



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